



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2007 Senate Bill 176

**Assembly Substitute
Amendment 1**

Memo published: January 17, 2008

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Assembly Substitute Amendment 1 does the following:

1. Payment of a First Class City Police Officer's Salary after Discharge or Suspension.

Under **current law**, no member of the police force of a first class city (currently, only Milwaukee) may be discharged or suspended without pay or benefits until the matter that is the subject of the discharge or suspension is disposed of by the Board of Fire and Police Commissioners (board) or the time for an appeal passes without an appeal being made. [Note: Currently, no member of a police force of a second, third, or fourth class city may be deprived of compensation while suspended, pending disposition of the charges.]

Under **the substitute amendment**, no member of a first class city police force is entitled to any salary or wages from the department pending an appeal to the board of the officer's discharge or suspension **if felony criminal charges are also pending against the officer and if the charges arose out of the same conduct or incident that serves as the basis for the discharge or suspension.**

2. Chief to Provide Exculpatory Evidence, if Any. Under **current law**, if a member of the police force or fire department is discharged or suspended by the chief for more than five days, the chief must give the member written notice, and must also notify the board. Within 10 days of receiving a notice of his or her discharge or suspension, the member may appeal the chief's action to the board. The **substitute amendment** requires the chief to give the member, at the same time the member is given written notice of the disciplinary action, any exculpatory evidence in the chief's possession that relates to the discharge or suspension.

3. Time Frame for Scheduling Trial. Under current law, if the board receives a notice of appeal, it must schedule a trial **within five and 15 days** after service of the notice and copy of the complaint. The **substitute amendment** changes the time frame for scheduling a trial to **between 60 and 120 days.**

4. Request for Adjournment. Under **current law**, both the accused and the chief of a department have the right to request up to a 15-day adjournment of the trial or investigation of the charges. Once such a request is made, it is granted automatically. Under the **substitute amendment**, the board may grant an adjournment, **for cause**, to either party. The adjournment would not be automatic.

5. Board Membership; Quorum. Under **current law**, the board consists of **five members**. Each member is appointed to a staggered five-year term by the Mayor of Milwaukee, subject to confirmation by the Milwaukee Common Council. The **substitute amendment**: (a) increases the number of members on the board to **seven**; and (b) authorizes the Mayor of Milwaukee to appoint the two additional members of the board upon the substitute amendment's effective date. The **substitute amendment also** changes the board's **quorum requirement from three to four, except** in the case of officers who are discharged or suspended; the quorum requirement for a trial of such officers is **still three members**. Members of the board who are appointed on or after the effective date of the substitute amendment are still subject to confirmation by the Milwaukee Common Council and are appointed to five-year terms.

Legislative History

In executive session on January 15, 2008, the Assembly Committee on Corrections and Courts voted to adopt Assembly Substitute Amendment 1, and recommended concurrence in the bill, as amended, both on votes of Ayes, 6; Noes, 5.

DLS:jb:jal